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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,575	12/17/2001	Aamer Ahmad Sarfraz	IVVE-0002	3269
23377	7590	01/10/2008	EXAMINER	
WOODCOCK WASHBURN LLP			GRAHAM, CLEMENT B	
CIRA CENTRE, 12TH FLOOR				
2929 ARCH STREET			ART UNIT	PAPER NUMBER
PHILADELPHIA, PA 19104-2891			3692	
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			01/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/016,575	SARFRAZ ET AL.
<b>Examiner</b>	Art Unit	
Clement B. Graham	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 October 2007.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 31-51 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 31-51 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date . . .  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: . . .

## DETAILED ACTION

1. Claims 1-30 has been cancelled and claims 31-34 remained pending and claims 35-51 has been added..
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/23/2007 has been entered.

### Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31, 38, 45, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant's claims are directed to an algorithm. Specifically, claim 1 recites "maintaining" "receiving" "transmitting", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

### Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 31-51, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S MaKipaa et al (Hereinafter MaKipaa Patent NO: 6, 394, 341.

As per claim 31, MaKipaa discloses a method of storing receipts comprising: maintaining a database of electronic receipts coupled to a server, each receipt associated with a receipt card account number, and each said receipt including a list of

items purchased during a transaction and unique transaction identification information; receiving, at the server, a request for a specific electronic receipt associated with a specific receipt card account number from a remote device; and transmitting, from the server, information indicative of said specific electronic receipt to said remote device. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 32, MaKipaa discloses wherein said request for said specific electronic receipt is from a computer system located at a business. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 33, MaKipaa discloses wherein said receiving: request for said specific electronic receipt is from a customer' s computer system. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 34, MaKipaa discloses wherein said unique transaction identification information further comprises: the identity of the retailer who participated in said transaction, a transaction number, a gross amount, a sales tax, the a date of said transaction, and the a time of said transaction. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 35, MaKipaa discloses further comprising: receiving, at the server, a request for a plurality of receipts associated with the specific receipt card account number. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 36, MaKipaa discloses further comprising: receiving, at the server, a first electronic receipt associated with a first receipt card account number from a point of sale device; and storing, by the server, the first electronic receipt in the database.

As per claim 37, MaKipaa further comprising: receiving, at the server, a request for a transaction history associated with a receipt card

account number. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 38, MaKipaa discloses a computer readable storage medium including computer executable instructions that, when executed by a server, cause the server to store receipts by a method comprising maintaining a database of electronic receipts in a database coupled to the server, each receipt associated with a receipt card account number, said receipt including a list of items purchased during a transaction and unique transaction identification information; receiving a request for a specific electronic receipt associated with a specific receipt card account number from a remote device; and transmitting information indicative of said specific electronic receipt to said remote device. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 39, MaKipaa discloses wherein said request for said specific electronic receipt is from a computer system located at a business. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 40, MaKipaa discloses wherein said request for said specific electronic receipt is from a customer's computer system. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 41, MaKipaa discloses wherein said unique transaction identification information further comprises: the identity of the retailer who participated in said transaction, a transaction number, a gross amount, a sales tax, a date of said transaction, and a time of said transaction. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 42, MaKipaa discloses further comprising: receiving a request for a plurality of receipts associated with the specific receipt card account number. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 43, MaKipaa discloses further comprising:  
receiving a first electronic receipt associated with a first receipt card account number from a point of sale device; and  
storing the first electronic receipt in the database. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 44 MaKipaa discloses further comprising:  
receiving a request for a transaction history associated with a receipt card account number. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 45, MaKipaa discloses a system for storing receipts comprising: a component configured to maintain electronic receipts in a database coupled to the system, each receipt associated with a receipt card account number, said receipt including a list of items purchased during a transaction and unique transaction identification information;  
a component configured to receive a request for a specific electronic receipt associated with a specific receipt card account number from a remote device; and  
a component configured to transmit information indicative of said specific electronic receipt to said remote device. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 46, MaKipaa discloses wherein said request for said specific electronic receipt is from a computer system located at a business. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 47, MaKipaa discloses wherein said request for said specific electronic receipt is from a customer's computer system. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 48, MaKipaa discloses wherein said unique transaction identification information further comprises:  
the identity of the retailer who participated in said transaction, a transaction number, a gross amount, a sales tax, a date of said transaction, and a time of said transaction.

(Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 49, MaKipaa discloses wherein said request for a specific electronic receipt associated with a specific receipt card account number from a remote device further comprises:

a request for a plurality of receipts associated with the specific receipt card account number. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 50, MaKipaa discloses further comprising:

a component configured to receive, at the server, a first electronic receipt associated with a first receipt card account number from a point of sale device; and  
a component configured to store the first electronic receipt in the database.

As per claim 51, MaKipaa discloses further comprising:

a component configured to receive, at the server, a request for a transaction history associated with a receipt card account number. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

### **Conclusion**

### **RESPONSE TO ARGUMENTS**

6. Applicant's argument filed 10/23/07 has been fully considered but they are moot in view of new grounds of rejection.

7. Applicant's claims 45, 50-51, states "configured to maintain, configured to receive, configured to transmit, configured to store "

However the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

\*\*>USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").<

Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Dec 23, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*Ac 3692*